

REMARKS

The Substitute Office action mailed on 14 June 2007 (Paper No. 20070206) has been carefully considered.

Claims 6 and 12 are being canceled without prejudice or disclaimer, and claims 1, 5, 9, 11, 14, 15, 17, 20, 23 and 26 are being amended. Thus, claims 1, 2, 4, 5, 7, 9, 11, 13-17 and 19-26 are pending in the application.

In paragraph 3 of the Office action, the Examiner rejected claims 1 and 26 under 35 U.S.C. §102 for alleged anticipation by Kim, U.S. Patent No. 6,912,351. In paragraph 4 of the Office action, the Examiner rejected claims 1, 2, 4 thru 7, 9, 11 thru 17 and 19-21 and 23 thru 26 under 35 U.S.C. §103 for alleged unpatentability over Miura *et al.*, U.S. Patent No. 6,456,335. For the reasons stated below, it is submitted that the invention recited in the claims, as now amended, is distinguishable from the prior art cited by the Examiner so as to preclude rejection under 35 U.S.C. §102 and/or §103.

Independent apparatus claim 1 is being amended to include recitations from dependent claims 5 and 6, thereby reciting the encoder as comprising a discrete cosine transformer, a quantizer, a variable length encoder, and a parser. Independent apparatus claims 9, 15 and 26 are being similarly amended.

In addition, independent method claims 14 and 23 are being amended to recite the encoding step as comprising sub-steps of performing a discrete cosine transform, quantizing, variable length encoding, and loading channel information, the sub-steps corresponding to the functions of the four elements added to the independent apparatus claims, as discussed above.

It is respectfully submitted that these amendments of independent claims 1, 9, 14, 15, 23 and 26 distinguish the inventive apparatus and method from the cited prior art so as to preclude rejection under 35 U.S.C. §102 or §103.

In that regard, on pages 5 and 6 of the Office action, the Examiner states the following correspondence between claimed elements of the present invention and elements disclosed in Figure 31 of Miura *et al.* '335:

<u>Claimed Elements</u>	<u>Disclosed Elements</u>
discrete cosine transformer	DCT unit 35
quantizer	quantization unit 36
variable length encoder	quantization unit 36 and transmission buffer 37
parser	transmission buffer 37

First, it is noted that, on page 5 of the Office action, the Examiner states that the claimed quantizer corresponds to the quantization unit 36 of Figure 31 of Miura *et al.* '335, whereas on page 6 of the Office action, the Examiner states that the variable length encoder of the invention corresponds to both the quantizer 36 and the transmission buffer 37 of Figure 31 of Miura *et al.* '335 (see page 5, lines 20-21 and page 6, lines 8-9 of the Office action). It is respectfully submitted that the quantization unit 36 cannot correspond to two separately claimed elements (the quantizer and the variable length encoder) of the present invention.

Furthermore, it is noted that, on page 6 of the Office action, the Examiner states that the transmission buffer 37 corresponds to both the variable length encoder and the parser of the present invention. Thus, it is further submitted that the transmission buffer 37 of Figure 31 of Miura *et al.* '335 cannot correspond to two separately claimed elements (variable length encoder and parser) recited in the claims of the present application.

Furthermore, a review of the description of the function of the transmission buffer 37 of Miura *et al.* '335 reveals that the transmission buffer 37 merely performs a simple buffering operation or function, and does not at all perform the functions of a variable length encoder or a parser. Specifically, Miura *et al.* '335 states (at column 27, lines 13-15) that “the DCT coefficients are quantized in the quantization unit 36 and transferred to the transfer buffer 37” (emphasis applied). Moreover, Miura *et al.* '335 further states (at column 27,

lines 23-25) that the “transmission/reception processor 51 carries out a transmission process to transmit the data stored in the transmission buffer 37 at a constant rate according to a transmission band of a network 214 or the like” (emphasis supplied). Thus, it is clear that the transmission buffer 37 of Miura *et al.* ‘335 only performs a storage or buffering function, and does not at all perform a variable length encoding function or a parsing function (loading channel information about each frame to signals outputted from the variable length encoder and outputting the signals) as alleged by the Examiner.

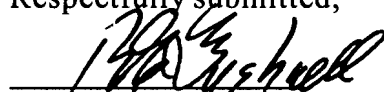
For the above reasons, it is submitted that the invention recited in independent apparatus claims 1, 9, 15 and 26 (as amended) is distinguishable from the cited art so as to preclude rejection under 35 U.S.C. §103.

The same arguments apply to the amended independent method claims 14 and 23. That is to say, Miura *et al.* ‘335 does not disclose or suggest the four sub-steps of the encoding step, as now recited in independent method claims 14 and 23. For this reason, the inventive method as recited in independent claims 14 and 23 is distinguishable from the cited art so as to preclude rejection under 35 U.S.C. §103.

In view of the above, it is submitted that the claims of this application are in condition for allowance, and early issuance thereof is solicited. Should any questions remain unresolved, the Examiner is requested to telephone Applicant's attorney.

No fee is incurred by this Amendment.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "R. E. Bushnell", written over a horizontal line.

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